

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**RUBY A. VENDITTE and
JOHN W. WAGSTAFFE,**

Defendants.

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8:14CR95

ORDER

This matter is before the court on the government's motion to continue (Filing No. 60). Government's counsel asserts an essential witness is unavailable until June 19, 2015. The motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 60) is granted.
2. Trial of this matter is re-scheduled for **June 22, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 13, 2015, and June 22, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness is unavailable. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 13th day of May, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge